

1 Frank S. Hedin (SBN 291289)
Hedin LLP
2 535 Mission Street, 14th Floor
San Francisco, CA 94105
3 Telephone: (305) 357-2107
Facsimile: (305) 200-8801
4 E-Mail: fhedin@hedinllp.com

5 *Counsel for Plaintiff and
the Putative Class*

6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA

8 SYLVIA CHANDRA, individually and on
9 behalf of all others similarly situated,

10 Plaintiff,

11 v.

12 PRAGER UNIVERSITY FOUNDATION,

13 Defendant.

Case No. 2:25-cv- 3984

CLASS ACTION

DEMAND FOR JURY TRIAL

14 **CLASS ACTION COMPLAINT**

15 Plaintiff Sylvia Chandra (“Plaintiff”) brings this action on behalf of herself and
16 all others similarly situated against Prager University Foundation (“Defendant”).
17 Plaintiff makes the following allegations pursuant to the investigation of her counsel
18 and based upon information and belief, except as to the allegations specifically
19 pertaining to herself, which are based on her personal knowledge.
20

1 and at least one Class member are domiciled in different states.

2 4. This Court has personal jurisdiction over Defendant because it is
3 headquartered in this District. Defendant also conducts substantial business within
4 California, including the sale, marketing, and advertisement of its Website, Apps,
5 products and services.

6 5. Pursuant to 28 U.S.C. § 1391, this Court is the proper venue for this
7 action because Defendant is headquartered in this District, and a substantial part of the
8 events giving rise to Plaintiff's claims took place within this District.

9
PARTIES

10 6. Plaintiff Sylvia Chandra is a citizen of New York, who resides in Deer
11 Park, New York. Plaintiff Sylvia Chandra has created an account with Defendant, by
12 providing Defendant her email address and first and last name, and watched a
13 prerecorded video on Defendant's Website within the last two years of filing of this
14 Complaint.

15 7. Throughout Plaintiff's interactions with Defendant's Website, Plaintiff
16 Sylvia Chandra has maintained and used Plaintiff's Facebook account, which publicly
17 disclosed certain information about her including but not limited to her name, picture,
18 familial relationships etc., from the same browser Plaintiff used to watch a
19 prerecorded video from Defendant's Website.

20 8. Pursuant to the systematic process described herein, Defendant caused

1 Plaintiff Sylvia Chandra's video viewing history to be sent along with Plaintiff's
2 personally identifiable information ("PII") to Facebook and upon information and
3 belief, other third parties, without Plaintiff's knowledge or consent each time Plaintiff
4 requested and prerecorded viewed video content through the Website.

5 9. Plaintiff Sylvia Chandra never consented, agreed, nor permitted
6 Defendant to disclose Plaintiff's PII and viewing information to Facebook or other
7 third parties and certainly did not do so for purposes violative of the VPPA.

8 10. Defendant Prager University Foundation is a Virginia corporation with
9 its principal place of business located in Sherman Oaks, California.

10 **GENERAL ALLEGATIONS**

11 ***History and Overview of the VPPA***

12 11. The impetus for the VPPA began with President Ronald Reagan's
13 nomination of Judge Robert Bork to the United States Supreme Court. During the
14 confirmation process, a movie rental store disclosed the nominee's rental history to the
15 Washington City Paper which then published that record. Congress responded by
16 passing the VPPA, with an eye toward the digital future. As Senator Patrick Leahy, who
17 introduced the Act, explained:

18 "It is nobody's business what Oliver North or Pratik Bork or Griffin Bell
19 or Pat Leahy watch on television or read or think about when they are
20 home. In an area of interactive television cables, the growth of computer
checking and check-out counters, of security systems and telephones, all

1 lodged together in computers, it would be relatively easy at some point to
2 give a profile of a person and tell what they buy in a store, what kind of
3 food they like, what sort of television programs they watch, who are
4 some of the people they telephone. I think that is wrong”.
S. Rep. 100-599, at 5-6 (internal ellipses and brackets omitted).

5 12. In 2012, Congress amended the VPPA, and in so doing, reiterated the
6 Act’s applicability to “so-called ‘on-demand’ cable services and Internet streaming
7 services [that] allow consumers to watch movies or TV shows on televisions, laptop
8 computers, and cell phones.” S. Rep. 112-258, at 2.

9 13. The VPPA prohibits “[a] video tape service provider who knowingly
10 discloses, to any person, personally identifiable information concerning any consumer
11 of such provider.” 18 U.S.C. § 2710(b)(1). The VPPA defines personally identifiable
12 information (“PII”) as “information which identifies a person as having requested or
13 obtained specific video materials or services from a video tape service provider.” 18
14 U.S.C. § 2710(a)(3). A video tape service provider is “any person, engaged in the
15 business, in or affecting interstate or foreign commerce, of rental, sale, or delivery of
16 prerecorded video cassette tapes or similar audio visual materials.” 18 U.S.C. §
17 2710(a)(4).

18 ***Defendant is a Video Tape Service Provider***

19 14. Defendant offers a wide array of prerecorded videos for viewing on its
20 Website that it creates and hosts related to entertainment, politics, philosophy and

1 religion, amongst other things.

2 15. Defendant has consumers in the form of individuals who:

3 a. Viewed or requested prerecorded videos on Defendant's Website;
4 and/or

5 b. Subscribed to Defendant's newsletter by providing personal
6 information, such as at a minimum, their email address and IP
7 address; and/or

8 c. Created an account with Defendant by providing personal
9 information, such as at a minimum their email address, IP address;
10 and first and last name; and/or

11 d. Made purchases from Defendant's online store.

12 ***Defendant Knowingly Discloses Consumers' PII To Third Parties***

13 16. When customers request, view or purchase audiovisual content from
14 Defendant's Website or Apps, their Personal Viewing Information is transmitted to
15 Facebook, and other unauthorized third parties as a result of the tracking tools that
16 Defendant purposely installed and implemented on its Website and Apps. Defendant
17 controlled its Website, Apps, and all of the tracking technologies that it used to
18 transmit its customers' Personal Viewing Information to unauthorized parties.
19 Importantly, Facebook would not have received Plaintiff's or the Class Members'
20 Personal Viewing Information but for Defendant's decision to install and use

1 Facebook's Business Tools, including the Facebook Pixel and Conversions API,¹ and
2 other tracking technologies on its Website and Apps.

3 17. Moreover, Defendant controlled which data was tracked, recorded, and
4 transmitted when its customers requested or viewed its video content.

5 18. Defendant's knowledge as to its conduct is evidenced by the fact that: (1)
6 it chose to track its customers' interactions with the Website and Apps, including their
7 video viewing habits; (2) it requested and installed lines of code that achieved this
8 purpose; (3) it obtained the lines of code from Facebook and other third parties in
9 order to achieve this purpose; and (4) it controlled the information that was tracked,
10 recorded, and transmitted via the Website and the Apps.

11 **Defendant's use of Facebook Business Tools and Tracking Pixels**

12 19. Facebook is a real identity platform, meaning that users are allowed only
13 one account and must share the name they go by in everyday life. To that end, when
14 creating an account, users must provide their first and last name, along with their
15 birthday and gender.

16 20. Businesses, such as Defendant, use Facebook's Business Tools to
17 monitor and record their website and app visitors' devices and specific activities for
18 marketing purposes.

19 _____
20 ¹ Notably, the Facebook Pixel works in conjunction with its Conversion API tool and, as a result, Defendant transmits one copy of its consumer's viewing information directly from its web server to Meta's web servers. Additional copies of this information are also communicated through the use of cookies.

1 21. More specifically, the Facebook pixel that Defendant installed and used
2 tracked, recorded, and sent Facebook its customers' granular Website and Apps
3 activity, including the names of specific prerecorded videos that customers requested
4 and/or viewed each time through Defendant's Website and Apps. The information is
5 not merely metadata.

6 22. Defendant's motivation for using the Facebook Pixel and related
7 Facebook Business Tools is simple—it financially benefits Defendant in the form of
8 advertising and information services that Defendant would otherwise have to pay for.

9 23. The information Facebook receives from Defendant identifies customers
10 based on their unique and persistent Facebook IDs ("FID"), which is sent to Facebook
11 as one data point alongside the title of the audio visual material the specific customer
12 requested or purchased.

13 24. Notably, these marketing tools are not required for Defendant's Website
14 or Apps to function properly. Even if it finds the tools helpful, it could have used them
15 in a manner that does not reveal its customers' Personal Viewing Information.

16 25. Any ordinary person who comes into possession of a Facebook ID can
17 easily use that information to identify a particular individual and their corresponding
18 Facebook profile, which contains additional information such as the user's name,
19 gender, birthday, place of residence, career, educational history, a multitude of photos,
20 and the content of a Facebook user's posts. This information may reveal even more

1 sensitive personal information—for instance, posted photos may disclose the identity
2 of family members, and written posts may disclose religious preferences, political
3 affiliations, personal interests, and more.

4 ***Defendant's Use of Tracking Tools***

5 26. When Defendant's customers request or view audio visual content on
6 Defendant's Website, the specific title of the video or video game is transmitted to
7 Facebook alongside the customers' persistent and unique Facebook identifiers,
8 thereby revealing their Personal Viewing Information to Facebook. However,
9 customers are unaware of this because, amongst other things, Defendant's
10 transmissions are completely invisible to ordinary customers viewing Defendant's
11 webpages.

12 27. While Figure 1 shows what ordinary customers see on their screens as
13 they use the Website, Figures 2 shows how Defendant sends to Facebook Plaintiff and
14 the Class Members PII along with the title of the video watched by a consumer
15 through the Website.

16
17 **[Intentionally Left Blank]**
18
19
20

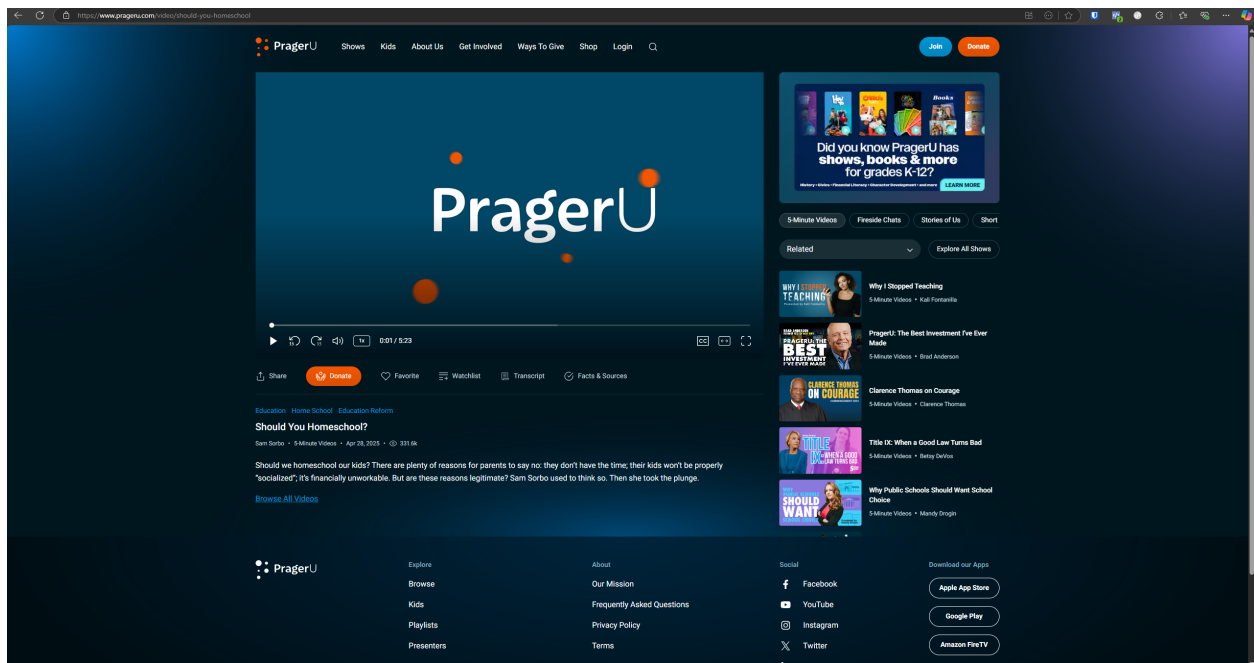


Figure 1. The image above is a screenshot of what a user sees when they attempt to watch a video on Defendant's Website. The page does not contain any logos or indications that their interactions are recorded and sent to Facebook.

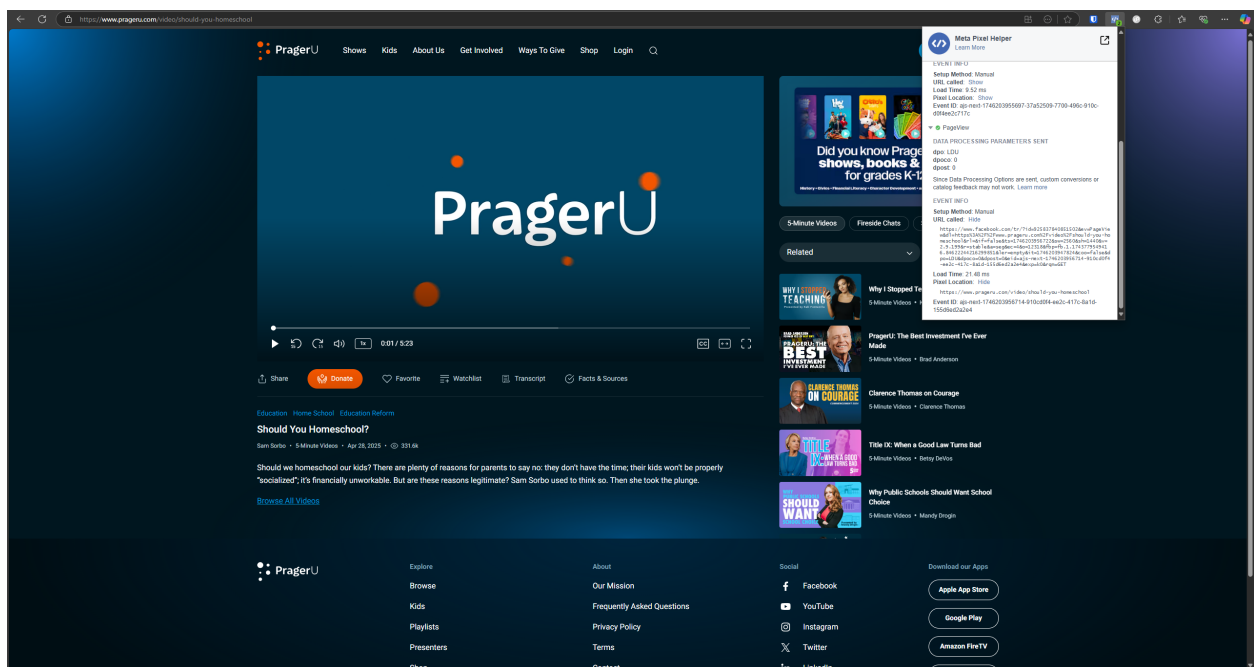


Figure 2. The images above represent a screenshot of a network traffic report that was taken when a user attempts to watch a video from Defendant's Website, at which time the personal viewing information was transmitted to Facebook.

28. Upon information and belief, Defendant also transmits its customers' Personal Viewing Information to Facebook and additional unauthorized third parties – including Google, TikTok and Twitter – through other tracking technologies installed on its Website and Apps.

29. The Personal Viewing Information that Defendant obtained from Plaintiff and the Class Members is valuable data in the digital advertising-related market for consumer information.

30. At no point did Plaintiff or the Class Members consent to Defendant's disclosure of their video viewing history to third parties. As such, Defendant deprived Plaintiff and the Class Members of their privacy rights and control over their personal information.

31. The harms described above are aggravated by Defendant's continued retention and commercial use of Plaintiff's and the Class Members' personal information, including their private video viewing histories.

CLASS ACTION ALLEGATIONS

32. Plaintiff brings this action on behalf of themselves and all other similarly situated persons pursuant to Federal Rules of Civil Procedure 23(a), (b)(1), and (b)(3). Specifically, the Class is defined as:

All persons in the United States who, during the maximum period of time permitted by law, used Defendant's Website or Apps to view, purchase, or request prerecorded audio visual materials using their mobile or computer browsers.

1 33. The Class does not include (1) Defendant, its officers, and/or its
2 directors; or (2) the Judge to whom this case is assigned and the Judge's staff.

3 34. Plaintiff reserves the right to amend the above class definition and add
4 additional classes and subclasses as appropriate based on investigation, discovery, and
5 the specific theories of liability.

6 35. ***Community of Interest:*** There is a well-defined community of interest
7 among members of the Class, and the disposition of the claims of these members of
8 the Class in a single action will provide substantial benefits to all parties and to the
9 Court.

10 36. ***Numerosity:*** While the exact number of members of the Class is
11 unknown to Plaintiff at this time and can only be determined by appropriate discovery,
12 upon information and belief, members of the Class number in the millions. Members
13 of the Class may also be notified of the pendency of this action by mail and/or
14 publication through the distribution records of Defendant and third-party retailers and
15 vendors.

16 37. ***Existence and predominance of common questions of law and fact:***
17 Common questions of law and fact exist as to all members of the Class and
18 predominate over any questions affecting only individuals of the Class. These
19 common legal and factual questions include, but are not limited to:
20

(a) Whether Defendant collected Plaintiff's and the Class Members' PII;

1 (b) Whether Defendant unlawfully disclosed and continues to disclose its
2 users' PII, including their video viewing records, in violation of the VPPA;

3 (c) Whether Defendant's disclosures were committed knowingly; and

4 (d) Whether Defendant disclosed Plaintiff's and the Class Members' PII
5 without consent.

6 38. **Typicality:** Plaintiff's claims are typical of those of the Class because
7 Plaintiff, like all members of the Class, requested and viewed audio visual materials
8 on Defendant's Website and had their PII collected and disclosed by Defendant to
9 third parties.

10 39. **Adequacy:** Plaintiff will fairly and adequately represent and protect the
11 interests of the Class as required by Federal Rule of Civil Procedure Rule 23(a)(4).
12 Plaintiff is an adequate representative of the Class because Plaintiff has no interests
13 which are adverse to the interests of the members of the Class. Plaintiff is committed
14 to the vigorous prosecution of this action and, to that end, Plaintiff has retained skilled
15 and experienced counsel.

16 40. Moreover, the proposed Class can be maintained because it satisfies both
17 Rule 23(a) and 23(b)(3) because questions of law or fact common to the Class
18 predominate over any questions affecting only individual members and a Class Action
19 is superior to all other available methods of the fair and efficient adjudication of the
20 claims asserted in this action under Federal Rule of Civil Procedure 23(b)(3) because:

1 (a) The expense and burden of individual litigation makes it economically
2 unfeasible for members of the Class to seek to redress their claims other than through
3 the procedure of a class action;

4 (b) If separate actions were brought by individual members of the Class, the
5 resulting duplicity of lawsuits would cause members of the Class to seek to redress
6 their claims other than through the procedure of a class action; and

7 (c) Absent a class action, Defendant likely will retain the benefits of its
8 wrongdoing, and there would be a failure of justice.

9 **CAUSES OF ACTION**

10 **COUNT I**

11 **Violation of the Video Privacy Protection Act
18 U.S.C. § 2710, *et seq.***

12 41. Plaintiff incorporates by reference each of the allegations contained in the
13 foregoing paragraphs of this Complaint as though fully set forth herein.

14 42. The VPPA prohibits a “video tape service provider” from knowingly
15 disclosing “personally-identifiable information” concerning any “consumer” to a
16 third-party without the “informed, written consent (including through an electronic
17 means using the Internet) of the consumer.” 18 U.S.C. § 2710.

18 43. As defined in 18 U.S.C. § 2710(a)(4), a “video tape service provider” is
19 “any person, engaged in the business, in or affecting interstate commerce, of rental,
20 sale, or delivery of prerecorded video cassette tapes or similar audiovisual materials.”

1 Defendant is a “video tape service provider” as defined in 18 U.S.C. § 2710(a)(4)
2 because it engaged in the business of delivering audiovisual materials—hundreds of
3 prerecorded videos on a wide array of topics—and those deliveries affect interstate or
4 foreign commerce.

5 44. As defined in 18 U.S.C. § 2710(a)(1), a “consumer” means “any renter,
6 purchaser, or subscriber of goods or services from a video tape service provider.”

7 Plaintiff and the Class Members are “consumers” because they:

- 8 a. Created an account with Defendant by providing at a minimum, their first
9 and last name, IP address and email address, then purchased, requested
10 and/or viewed audio visual materials;
- 11 b. Subscribed to Defendant’s newsletter by providing at a minimum, their
12 IP address and email address, then requested and/or viewed audio visual
13 materials; and/or
- 14 c. Made a purchase from Defendant’s store through Defendant’s Website.

15 45. Defendant knowingly caused Plaintiff’s and the Class Members’ Personal
16 Viewing Information, as well as the above-referenced unique identifiers, to be
17 disclosed to third parties, such as Facebook. This information constitutes “personally
18 identifiable information” under 18 U.S.C. § 2710(a)(3) because it identified each
19 Plaintiff and Class member to third parties as individuals who purchased or requested
20 audiovisual materials from Defendant. This information allowed third parties, such as

1 Facebook, to identify Plaintiff's and each Class Member's specific video viewing
2 preferences and habits.

3 46. As set forth in 18 U.S.C. § 2710(b)(2)(B), "informed, written consent"
4 must be (1) "in a form distinct and separate from any form setting forth other legal or
5 financial obligations of the consumer;" and (2) "at the election of the consumer...is
6 either given at the time the disclosure is sought or is given in advance for a set period
7 of time not to exceed two years or until consent is withdrawn by the consumer,
8 whichever is sooner." Defendant failed to obtain informed, written consent from
9 Plaintiff and the Class Members under this definition.

10 47. Defendant was aware that the disclosures to third parties that it shared
11 through the tracking software that it incorporated in its Website and Apps identified
12 Plaintiff and the Class Members. Indeed, Facebook publicly touts its ability to connect
13 PII to individual user profiles. Defendant also knew that Plaintiff's and the Class
14 Members' Personal Viewing Information was disclosed to third parties because
15 Defendant programmed the tracking software into the Website's and Apps' code so
16 that third parties would receive the video titles and consumer's unique third-party
17 identifiers when a consumer requested and/or purchased a videos or other prerecorded
18 audio visual material on the Website or Apps. The purpose of those trackers was to
19 obtain identifiable analytics and intelligence for Defendant about its user base, while
20 also benefiting Facebook and other third parties, by providing them with additional

1 data that they can leverage for their advertising, analytics and/or other services.

2 48. Nor were Defendant's disclosures made in the "ordinary course of
3 business" as the term is defined by the VPPA. In particular, the Website's and app's
4 disclosures to Facebook were not necessary for "debt collection activities, order
5 fulfillment, request processing, [or] transfer of ownership." 18 U.S.C. § 2710(a)(2).

6 49. On behalf of Plaintiff and the Class Members, Plaintiff seeks declaratory
7 relief, statutory damages of \$2,500 for each violation of the VPPA pursuant to 18
8 U.S.C. § 2710(c), and reasonable attorneys' fees and cost.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff, individually and on behalf of all others similarly
11 situated, seeks judgment against Defendant as follows:

- 12 a) For an order certifying the Class under Rule 23 of the Federal
Rules of Civil Procedure and naming Plaintiff as representative of
the Class, and Plaintiff's Counsel as Class Counsel;
- 13 b) For an order declaring that Defendant's conduct violates each of
14 the statutes referenced herein;
- 15 c) For an order finding in favor of Plaintiff and the Class on all
counts asserted herein;
- 16 d) For compensatory, statutory, and punitive damages in amounts to
be determined by the Court and/or jury;
- 17 e) For prejudgment interest on all amounts awarded;
- 18 f) For an order of restitution and all other forms of equitable
monetary relief;
- 19 g) For injunctive relief as pleaded or as the Court may deem proper;
- 20 h) For an order awarding Plaintiff and the Class their reasonable
attorneys' fees and expenses and costs of suit.

Plaintiff, individually and on behalf of members of the Class, demands a trial by jury on all causes of action and issues so triable.

Respectfully submitted,

Frank S. Hedin

1395 Brickell Ave., Suite 610

Telephone: (305) 357-2107

fhedin@hedinllp.com

Adrian Gucovschi*

Nathaniel Haim Sari*

Gucovschi Rozenshteyn, PLLC

140 Broadway, FL 46

New York, NY 10005

Telephone: (212) 884-4230

adrian@gr-firm.com

nsari@gr-firm.com

Counsel for Plaintiff and the Putative Class

* *Pro Hac Vice Application forthcoming*